20150045675
02/03/2015 ER $32.00

ER 065 - 72 - 0436

CERTIFICATE OF ADOPTION OF
RECORDS PRODUCTION AND COPYING POLICY
OF
THE TOWNHOMES AT LAKELAND HEIGHTS COMMUNITY ASSOCIATION, INC.

WHEREAS, the Board of Directors (the "Board") of The Townhomes At Lakeland Heights Community Association, Inc., a Texas non-profit corporation (the "Association") is charged with administering and enforcing those certain covenants, conditions, and restrictions contained in that certain instrument recorded in the office of the County Clerk of Harris County, Texas under Clerk's File No. 20140519858, as said instrument has been or may be amended or supplemented from time to time; and

WHEREAS, Chapter 209 of the Texas Property Code was amended effective January 1, 2012, to add Section 209.005(i) ("Section 209.005(i)") thereto; and

WHEREAS, Section 209.005(i) of the Texas Property Code requires a property owners' association to adopt a records production and copying policy that prescribes the costs the association will charge for compilation, production and reproduction of information requested under Section 209 of the Texas Property Code; and

WHEREAS, the Board has determined that in connection with producing and copying records, it is appropriate for the Association to adopt a records production and copying policy; and

WHEREAS, the Board has adopted, approved and ratified the records production and copying policy described below (the "Records Production and Copying Policy") by unanimous written consent, in lieu of special meeting, effective January 30, 2015.

NOW, THEREFORE, to give notice of the matters set forth herein, the undersigned, being the President of the Association, does hereby certify that the Board has adopted, approved and ratified the Records Production and Copying Policy by unanimous written consent, in lieu of special meeting. The Records Production and Copying Policy is effective January 30, 2015, and supersedes any records production and copying policy which may have previously been in effect for the Association. The Records Production and Copying Policy is as follows:

I. **Request for Books and Records**: Copies of the Association's books and records will be reasonably available to all Owners or a person designated in a writing signed by the Owner as the Owner's agent, attorney, or certified public

accountant ("Owner's Authorized Representative") upon proper request and at the Owner's expense. A proper request:

a. Must be sent by certified mail to the Association or the Association's authorized representative at the address as reflected in the Association's most recent management certificate as recorded in the Office of the County Clerk;

b. Must be from an Owner or an Owner's Authorized Representative (herein, the Owner and the Owner's Authorized Representative being collectively called the "Requestor");

c. Must contain sufficient detail to identify the books and records of the Association being requested (herein the "Requested Records"); and

d. Must designate whether the Requestor is requesting to inspect the Requested Records or requesting to have the Association forward copies of Requested Records to the Requestor.

II. **Association's Response**: The Association shall respond to the Requestor's request in writing.

a. **Request to Inspect**: Upon receipt of a proper request to inspect the Requested Records as outlined above, the Association will send written notice to the Requestor on or before ten (10) business days after the Association receives the proper request, and provide dates and times during normal business hours that the Requested Records will be made available for inspection by the Requestor (to the extent the Requested Records are in the possession, custody or control of the Association and are not otherwise privileged and therefore protected from inspection). The Association and the Requestor shall arrange for a mutually agreeable time to conduct the inspection. If copies of the Requested Records are made at the inspection, the Association shall provide the Requestor with copies upon receipt of the cost thereof as described below.

b. **Request for Copies**: If a request for copies of Requested Records is made, the Association shall send written notice to the Requestor on or before ten (10) business days after the Association receives the proper request advising the Requestor of the date that the Requested Records

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will be made available, and the cost that must be received by the Association before the Requested Records will be provided. Upon receiving payment for the Requested Records, the Association will produce the Requested Records to the Requestor by sending the Requested Records to the Requestor by regular U.S. Mail at the Requestor's address shown in the request, or upon written request, the Requestor may pick up the Requested Records from the Association's management company. The Association may provide the Requested Records in hard copy, electronic format, or other format reasonably available to the Association

c. **Additional Time**: If upon review of a proper request to inspect or copy documents, the Association determines it cannot comply with the request within ten (10) business days after receipt of the request by the Association, the Association shall send the Requestor a written notice (within such ten (10) business day period) that informs the Requestor that the Association is unable to produce the Requested Records on or before the tenth (10th) business day after the Association received the request and that the Requested Records will be produced for inspection, or copied and mailed (subject to receipt of payment as set forth herein), as the case may be, on or before fifteen (15) business days from the date the notice is mailed to the Requestor.

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III. **Costs**: The Association hereby adopts the following schedule of costs:

a. **Copies**:

i. 15 cents per page for a regular 8.5" x 11" page

ii. 50 cents per page for pages 11" x 17" or greater

iii. Actual cost for specialty paper (color, photograph, map, etc.)

iv. $1.00 for each CD or audio cassette;

v. $3.00 for each DVD

b. **Labor**:

$15.00 per hour for actual time to locate, compile, and produce the records for any copy request of 50 pages or more.

c. **Overhead:**

20% of the total labor charge for any request of 50 pages or more.

d. **Materials:**

Actual cost of labels, boxes, folders, and other supplies used in producing the records, along with postage for mailing the records.

IV. **Cost Reconciliation:** If the estimated cost provided to the Requestor is more or less than the actual cost of producing the Requested Records, the Association shall, within thirty (30) days after producing the Requested Records, submit to the Requestor, either an invoice for additional amounts owed or a refund of the overages paid by the Requestor. If the final invoice includes additional amounts due from the Requestor, the additional amounts, if not reimbursed to the Association before the thirtieth (30th) day after the date the invoice is sent to the Requestor, may be added to the Owner's account as an assessment by the Association. If the estimated costs exceeded the final invoice amount, the Requestor is entitled to a refund, and the refund shall be issued to the Requestor not later than the thirtieth (30th) business day after the date the invoice is sent to the Requestor.

EXECUTED on the date of the acknowledgement set forth herein below, to be effective as set forth above.

The Townhomes At Lakeland Heights Community Association, Inc., a Texas non-profit corporation 1EE 1OR

By: S. Bradley Todes

S. Bradley Todes, President

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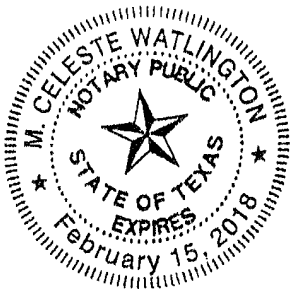
THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on 1/30, 2015, by S. Bradley Todes, President of The Townhomes At Lakeland Heights Community Association, Inc., a Texas non-profit corporation, on behalf of said corporation.



Notary Public, State of Texas

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AFTER RECORDING, RETURN TO:

S. Bradley Todes
P.O. Box 34306
Houston, TX 77234

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Pages 6
02/03/2015 12:50:27 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees 32.00

RECORDERS MEMORANDUM
This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.

Stan Stanart
COUNTY CLERK
HARRIS COUNTY, TEXAS